Attorney Docket No. 1322.0046C



## IN THE UNITED STATES PATERY AND TRADEMARK OFFICE

In re application of Durward I. Faries, Jr. et al.

Serial No.:

09/973,988

Examiner:

Bockelman, Mark

Confirmation No.: 7339

Art Unit:

3762

Filed:

October 11, 2001

For:

Temperature Sensing Device for Selectively Measuring Temperature at Desired

Locations Along an Intravenous Fluid Line

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

## INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(d)

Pursuant to the duty imposed by 37 C.F.R. §1.56 to disclose information which may be material to the patentability of the above-identified patent application, the Applicant(s) would like to direct the Examiner's attention to the documents listed on the enclosed Information Disclosure Citation Form (PTO/SB/08). In accordance with this duty of disclosure, Applicant(s) hereby submits the following information in conformance with 37 C.F.R. §§1.97 and 1.98.

$\boxtimes$	Pursuant to 37 C.F.R. §1.98, a copy of each document cited in the attached Form PTO/SB/08A is enclosed.
	The subject Information Disclosure Statement is being filed without copies of the listed U.S. Patents and/or U.S. patent application publications pursuant to the waiver of the requirement under 37 C.F.R. §1.98(a)(2)(i) for applications filed after June 30, 2003. Copies of the listed foreign patent documents and/or non-patent literature are enclosed herewith.
	No copies of the publications listed on the attached Form PTO/SB/08A are being provided pursuant to 37 C.F.R. §1.98(d) because the publications were previously cited by or submitted to the Office in prior Application

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			to which the above-identified application claims priority C. §120.					
	in a fo	reign se	listed on the attached Form PTO/SB/08A were cited earch or examination report corresponding to rial no and mailed on					
	§609 d	Enclosed is a copy of a non-English publication(s) Pursuant to §609 of the M.P.E.P., Applicant submits the attached foreign search or examination report, which cites such non-English language publication(s).						
	langua		copy of a non-English publication(s) English ication (copy enclosed) claims priority from this non-cation.					
			n explanation of non-English publication(s) for which is not available.					
			English translation of non-English publication(s) tached Form PTO/SB/08A.					
	Enclos	sed is a	copy of pending patent Application Serial No					
C.F.K. § 1.9	/(b), but	a final	the mailing of: action under 37 C.F.R. §1.113;					
		a notice of allowance under 37 C.F.R. §1.311; or						
		an action that otherwise closes prosecution in this application.						
In ac	cordance	with 37	7 C.F.R. §1.97(c) also enclosed is:					
	Fee under 37 C.F.R. §1.17(p) in the amount of \$180.00; or							
		Statem	nent as specified in 37 C.F.R. §1.97(e):					
			Each item of information contained in the Information Disclosure Statement cited herein was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing date of the Information Disclosure Statement; or					
			No item of information contained in the Information Disclosure Statement submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of					

the undersigned, having made a reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing date of the Information Disclosure Statement.

The Commissioner is hereby authorized to charge payment of any fees required for the above-identified application or credit any overpayment to Deposit Account No. 05-0460.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application.

Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

It is respectfully requested that the Examiner consider the above-noted information and return an initialed copy of the attached Form PTO/SB/08A to the undersigned.

Dated: 3 6 06

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EDELL, SHAPIRO & FINNAN, LLC CUSTOMER NO. 27896 1901 Research Boulevard, Suite 400 Rockville, MD 20850 (301) 424-3640 Respectfully submitted by

EDELL, SHAPIRO & FINNAN, LLC

By: Stuart B. Shapiro

Reg. No. 40,169

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50				Application Number	09/973,988	
II	NFORMATIO	ON DI	SCLOSURE	Filing Date	10/11/2001	
S	STATEMENT BY APPLICANT			First Named Inventor	Faries, Jr. et al.	
5				Group Art Unit	3762	
(use as many sheets as necessary)			s necessary)	Examiner Name	Bockelman, M.	
Sheet	T <sub>1</sub>	of	1	Attorney Docket Number	1322.0046C	

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.1	U.S. Patent D	Occument		Date of Publication of Cited
			Number	Kind Code <sup>2</sup> (if known)	Name of Patentee or Applicant of Cited Document
	1	6,860,271		Faries, Jr. et al.	03-01-2005
	<b>†</b>	6,649,040		Mirchi et al.	11-18-2003
	<u> </u>	6,371,121		Faires, Jr. et al.	04-16-2002
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*	FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>				N CD-tt Alicent of Cited	Date of Publication	
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)	Name of Patentee or Applicant of Cited Document	of Cited Document MM-DD-YYYY	T <sup>6</sup>
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Signature	Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>&</sup>lt;sup>1</sup> Unique citation designation number.

<sup>&</sup>lt;sup>2</sup> See attached Kinds of U.S. Patent Documents.

<sup>&</sup>lt;sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).

<sup>&</sup>lt;sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible.

<sup>&</sup>lt;sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.